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In re Application of HVIHIA
Application No.: 10/587,053
PCT No.: PCT/US02/22689
Int. Filing: 17 July 2002
Priority Date: 17 July 2001
Attorney Docket No.: E5073-00002
For: MICRO STRUCTURE FOR PARTICLE AND
CELL SEPARATION, IDENTIFICATION,

DECISION ON
PETITION TO REVIVE
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 July 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

The above-identified application has been abandoned for an extended period of time. The United States Patent and Trademark Office is relying on petitioner's duty of candor and good faith in accepting the statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional". See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the United States Patent and Trademark Office).

A review of the application file reveals that the basic national fee of \$150 has been provided. The required petition fee of \$750 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the \$130 surcharge for filing the oath or declaration after the thirty month period, is required.

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